



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/934,535 | 08/23/2001 | Yaron Haviv | P-3463-US | 7817 |

27130 7590 08/19/2005

EITAN, PEARL, LATZER & COHEN ZEDEK LLP
10 ROCKEFELLER PLAZA, SUITE 1001
NEW YORK, NY 10020

| |
|----------|
| EXAMINER |
|----------|

LIN, KELVIN Y

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2142

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,535

Applicant(s)

HAVIV, YARON

Examiner

Kelvin Lin

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Regarding claims 2, 6, and 43, the language "traffic within or above a transport" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "traffic within or above"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).
2. Claims 11, 25, 27, 39, 41, 50, and 51 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In claims 11, 25, 27, and 41, it is not clear where in the specification the language "remote direct memory access message" has been discussed or at least where any types of messages has been discussed. For the purposes of examination it is treated as data or information.
4. In claim 11, it is not clear where in the specification, the language "non-remote-direct-memory-access traffic" has been discussed. For the purpose of examination it is treated as a traffic.
5. In claims 39, and 50, it is not clear where in the specification, the language "Fiber channel" has been discussed in the specification. For the purpose of examination it is treated as a multi-channel.

Art Unit: 2142

6. In claims 40, and 51, it is not clear where in the specification, the language “remote procedure call transaction” has been discussed in the specification. For the purpose of examination it is treated as a data transfer.

7. In claim 50, it is not clear where in the specification the language “remote direct memory access over transport control over internet protocol network hardware” has been discussed in the specification. For the purpose of examination it is treated as a network device.

8. In claims 39, and 50, it is not clear where in the specification the language “expand Ethernet hardware” has been discussed in the specification. For the purpose of examination it is treated as a network device.

9. In claims 39, and 50, it is not clear where in the specification the language “virtual interface hardware” has been discussed in the specification. For the purpose of examination it is treated as a network device.

10. In claims 39, and 50, it is not clear where in the specification the language “remote direct memory access over transport control protocol over internet protocol network hardware” has been discussed in the specification. For the purpose of examination it is treated as a network device.

Response to Arguments

Application's argue with respect to claims 1-51 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-10 are rejected under 35 USC 102(e) as being anticipated by Gidwani S., (US Patent No. 6640239).
2. Regarding claim 1, Gidwani teaches a method comprising:
 - having a router process a connection request from a First computer having multi-channel reliable network hardware (Gidwani, col.23, l.1-15, Fig. 2, in which the first computer - component Video Conference, and the second computer -UIP client are two multi channel devices connected by the router 118);
 - having said router send an acknowledgment for said connection request to said first computer so that a direct connection is established between said first computer and a second computer

having multi-channel reliable network hardware (Gidwani, fig. 1, col.21, l.20-30); and

- having said router select said second computer from a group of computers having multi-channel reliable network hardware according to information in said connection request, said information comprising opaque data (Gidwani, col.23, l.1-37, Fig2, router 118 connected to the CPE LAN which has the capability to select video conferencing).

3. Regarding claim 2, Gidwani further discloses the method of claim 1, wherein said router processes said connection request within or above a transport layer only (Gidwani, col.23, l.17-37, H.320 is a transport layer protocol).
4. Regarding claim 3, Gidwani further discloses the method of claim 1, further comprising: having said router filter said connection request according to a predefined policy (Gidwani, col.16, l.50-67, col.17, l.1-15, in ATM, ABR, VBR are predetermined rate policy set by server).
5. Regarding claim 4, Gidwani further discloses the method of claim 1, further comprising: having said router select said second computer from a group of computers having multi-channel reliable network hardware according to load-balancing considerations (Gidwani, col.10, l.60-67).
6. Regarding claim 5, Gidwani further discloses a method comprising:
enabling a connection between a first computer having multi-channel reliable network hardware and a second computer having multi-channel reliable

network hardware so that upstream traffic from said first computer to said second computer is communicated over said connection via a router and downstream traffic from said second computer to said first computer is communicated directly over said connection (Gidwani, fig. 13, col.40, l.1-67, col. 41, l.25-52, the H.320 interface within UIP server is able to direct T1 framer with D channel to control connections corresponds to upstream and B channel downstream is for data traffic directly, after the signal channel set up the connection, the B channel – downstream can delivery traffic directly, this is a well known art in this field).

7. Regarding claim 6, Gidwani further discloses the method of claim 5, further comprising: having said router process said upstream traffic within or above a transport layer only (Gidwani, fig. 13, col.40, l.10-14, in which the H,320 and UIP corresponds to the upstream (D channel) and router over transport layer).
8. Regarding claim 7, Gidwani further discloses the method of claim 5, further comprising; having said router filter said upstream traffic according to a predefined policy (Gidwani, col.43, l. 30-50, the UIP and H.320 setup the bandwidth and predefined policy of ABR, VBR traffic provided by ATM server corresponds to the upstream traffic according to a predefined policy).
9. Regarding claim 8, Gidwani further discloses the method of claim 5, further comprising: having said router gather information on said upstream traffic (Gidwani, col. 40, l.10-24, in which the UIP corresponds to router and gather the video conferencing information on the D channel).

Art Unit: 2142

10. Regarding claim 9, Gidwani further discloses the method of claim 5, further comprising: having said router select said second computer from a group of computers having multi-channel reliable network hardware according to information in said upstream traffic (Gidwani, col. 40, l.1-16).
11. Regarding claim 10, Gidwani further discloses the method of claim 5, further comprising: having said router select said second computer from a group of computers having multi-channel reliable network hardware according to load-balancing considerations (Gidwani, col.11, l.48-51).
12. Regarding claims 11-16 have similar limitations as claims 1, and 5-10. In addition, as described at 35 USC 112 2nd paragraph, the indefinite language of "remote direct memory access message" and "non-remote-direct-memory-access traffic" have been rejected. Therefore, claims 11-16 are rejected for the same reasons set forth in the rejection of claims 1, and 5-10.
13. Regarding claims 17-24 have similar limitations as claims 1-10. Therefore, claims 17-24 are rejected for the same reasons set forth in the rejection of claims 1-10.
14. Regarding claims 25-31 have similar limitations as claims 1-10. Therefore, claims 25-31 are rejected for the same reasons set forth in the rejection of claims 1-10.
15. Regarding claims 32-40, which are claiming one or more routers, and cascaded manner (Gidwani, Fig. 1, has multiple routers and ATM-IP router cascade to IP router) have similar limitations as claims 1-10. Therefore, claims 32-40 are

Art Unit: 2142

rejected for the same reasons set forth in the rejection of claims 1-10.

16. Regarding claims 41-51 claim for the proxy (Gidwani, col. 10, l.46-67, col. 11, l.1-45) have similar limitations as claims 1-10. Therefore, claims 41-51 are rejected for the same reasons set forth in the rejection of claims 1-10.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898.

The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

08/16/05
KYL


KAMINI SHAH
PRIMARY EXAMINER